

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THERON WHITNEY,	§
	§ No. 79, 2023
Defendant Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID Nos. 2008011603 (K)
STATE OF DELAWARE,	§ 2008011694 (K)
	§
Appellee.	§

Submitted: May 16, 2023

Decided: May 30, 2023

**ORDER**

It appears to the Court that, on April 25, 2023, the Senior Court Clerk sent a notice of brief delinquency to the appellant because he had not filed an opening brief by the April 20, 2023 deadline set by the Court. On May 3, 2023, the Chief Deputy Clerk issued a notice, sent by certified mail, directing the appellant to show cause why this appeal should not be dismissed for his failure to file an opening brief. The appellant received the notice on May 4, 2023. A timely response to the notice to show cause was due by May 15, 2023. To date, the appellant has not filed an opening brief or responded to the notice to show cause. Dismissal of this action is therefore deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura  
Justice